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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,931	12/23/2003	Ken-Ju Jung	252011-1840	9007

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EXAMINER
BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
2141	

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12/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/743,931	JUNG ET AL.
	Examiner	Art Unit	
	Djenane M. Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>9/08/07</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10-14 and 16-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10-14 and 16-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This is in response to amendment filed on 9/08/07 in which claims 1, 3-8, 10-14, 16-19

are pending.

Response to Arguments

2.   Applicant's arguments have been fully considered but they are not persuasive. Applicant

argues that Bondi fails to teach that the nodes are CDP neighbor device data and has never

suggested to popping the CDP neighbor device data out of the queue for successive CDP

neighbor device discovery. However, Bondi clearly teaches wherein the where A-Z represent

the identity of each node assigned to the node manager. The status poll transmission queue 10

identifies the nodes which are scheduled to be polled. The status poll transmission queue 10

stores the node identity of the nodes which are awaiting transmission of a poll, and is preferably

a FIFO (first in first out) queue or a FCFS (first come first serve) queue (See col. 5, lines 54-67).

It obvious to one with ordinary skill in the art the claimed limitation of the Applicant is a simple

FIFO (first in first out) queue system that Bondi clearly teaches.

        In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 3-8, 10-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No. 7,185109 to Conrad et al in view of U.S. Patent No. 5,710885 to Bondi.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

a.   As per claims 1, 8 and 14, Conrad et al teaches a system, method and a machine-readable

storage medium for storing computer program which when executed performs a method, of

automated network device discovery, comprising: a storage device (See col. 5, lines 58-67 and

col. 6, lines 1-3); and a discovery module, configured to issue a series of relayed single-

destination simple network management protocol (SNMP) requests to a plurality of network

devices to acquire a plurality of Cisco discovery protocol (CDP) neighbor device data (See col.

2, lines 58-67, *discovering CDP nodes of the network by transmitting SNMP message,* col. 3,

lines 1-10 *and* col. 4, lines 36-54, col.*)* generate a plurality of network device inventory records

corresponding to the CDP neighbor device data, and store the network device inventory records

to the storage device (See col. 4, lines 2-25). However, Conrad et al fails to teach wherein the

discovery module further stores the CDP neighbor device data which is newly discovered to a

queue and pops the CDP neighbor device data out of the queue for successive CDP neighbor

device discovery.

Bondi teaches queue for nodes A-Z, where A-Z represent the identity of each node

assigned to the node manager. The status poll transmission queue 10 identifies the nodes which

are scheduled to be polled. The status poll transmission queue 10 stores the node identity of the

nodes which are awaiting transmission of a poll, and is preferably a FIFO (first in first out) queue

or a FCFS (first come first serve) queue (See col. 5, lines 54-67).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the teaching of Bondi in the claimed invention of Conrad et al in

order to reduce the elapsed of network discovery (See col. 3, lines 20-25).

b.   As per claims 3, 10 and 16, Conrad et al in view of Bondi teaches the claimed invention

as described above. However, Conrad et al fails to teach wherein the CDP neighbor device

identity is popped out of the queue on a first-in-first-out (FIFO) basis.

Bondi teaches wherein the CDP neighbor device identity is popped out of the·queue on a

first-in-first-out (FIFO) basis (See col. 5, lines 54-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Bondi in the claimed invention of Conrad et al in order to reduce the elapsed of network discovery (See col. 3, lines 20-25).

c.   As per claims 4, 11 and 17, Conrad et al in view of Bondi teaches the claimed invention as described above. Furthermore, Conrad et al teaches a display module, providing a graphical user interface (GUI) to facilitate selecting and browsing the network device inventory records (See col. 5, lines 22-38).

d.   As per claim 5, Conrad et al view of Bondi teaches the claimed invention as described above. Furthermore, Conrad et al teaches wherein the network device stores a management interface base (MIB) file containing the CDP neighbor device data (See col. 4, lines 1-25).

e.   As per claims 6-7, 12-13 and 18-19, Conrad et al in view of Bondi teaches the claimed invention as described above. Furthermore, Conrad et al teaches wherein the network device stores a management interface base (MIB) file containing the CDP neighbor device data (See col. 4, lines 1-25).

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878.

The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the

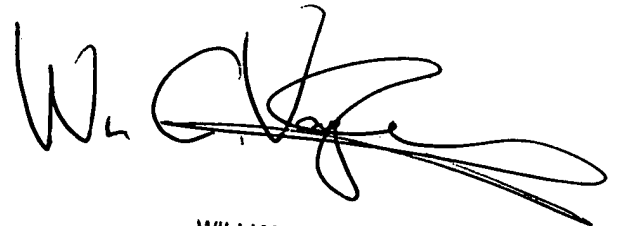organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY